



**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
OFFICERS' ASSOCIATION**

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No. AIBSNLOA/CHQ/2018/26

Dated: 16th October 2018

To

1. Shri Keshav Rao,
General Manager (Pers),
BSNL Corporate Office,
New Delhi.
2. Shri Manish Kumar
General Manager (Restg),
BSNL Corporate Office,
New Delhi.

Subject: Improper reporting procedure for APAR in Finance wing of Tamilnadu Circle - reg

R/ Madam

We are constrained to bring to your kind notice, the improper reporting procedure being followed for APAR in Finance wing of Tamilnadu Circle, wherein a DGM (F) & IFA of SSA acts as Reporting Officer for a Regular DGM holding the portfolio of Telecom Revenue, for immediate intervention and corrective action.

2. As per CGM Tamilnadu Circle letter No.TSA [F]/RULINGS-CR/APAR/12-13/30 dated 28th April 2012 (copy enclosed), IFA in DGM (F) grade has been made the Reporting Officer for DGM (TR) of the SSA with GM of the SSA, the Reviewing Officer. The said letter misquotes Para 4.2 of BSNL CO letter No.4-2/2010-restructure dated 20.9.2010 in this regard by stating that "First line of reporting [DGM (F) in this case indicates the officers who are directly reporting to SSA heads and second line of reporting [DGM (TR), wherever posted or CAOs indicates the officers reporting to the first line [DGM (F)].

3. Our Circle Association took up the issue with PGM (F) Tamilnadu Circle, citing a specific case where a regular DGM (TR) of Trichy SSA was asked to submit his APAR to the DGM (F) of the SSA for reporting. They argued that the order dated 28.4.2012 is against the reporting structure for Executives and the contents of the Corporate Office letter. But PGM (F) stands his ground and has reiterated that there is no change in the procedure.

4. We would like to point out that an Executive cannot be directed to report to another Executive of the same rank. The action of PGM (F) Tamilnadu Circle is against all norms and procedures and also is legally untenable.

5. There are numerous court judgments supporting our contention. To cite one, we draw your attention to a judgment of Hon'ble Supreme Court of India **State Bank Of India Etc vs Kashinath Kher & Ors.** [(1996) 8 SCC 762] that "It would appear that the confidential reports

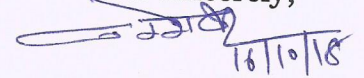
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and character rolls are being prepared by the officers of the same rank in the same MMGS II working in the establishment department over the same cadre officers working elsewhere and the reporting officers are the same. Ms. Nisha is right and the High Court is well justified in holding that such a procedure is violative of the principles of natural justice. Such procedure and practice is obviously pernicious and flagrant with prejudices and manipulative violating the principles of natural justice and highly unfair", **"Confidential and character reports should, therefore, be written by superior officers higher above the cadres"** and **"Therefore, they should be written by superior officer of high rank, who are such high rank officers is for the appellant to decide. The appellants have to prescribe the officer competent to write the confidential. There should be another higher officer in rank above the officer who has written confidential report to review such report."** Link: [https://indiankanoon.org/doc/1009952]

7. We would therefore request you to kindly intervene immediately and take corrective action by directing Tamilnadu Circle to amend its letter dated 28.4.2012 in such a manner that GM of SSA acts as reporting officer to DGM (TR) of the SSA too.

With kind regards,

Yours sincerely,



(Rakesh Sethi)
General Secretary

Encl: As stated

Copy to: 1. Ms. Sujata Ray,
Director (HR & F), BSNL
2. Smt. Smitha Choudhary,
General Manager (FP),
BSNL Corporate Office,
New Delhi.